

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TRAVELERS INDEMNITY COMPANY)
OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:08-CV-351 CAS
)
HOLTZMAN PROPERTIES, L.L.C.,)
)
Defendant.)

ORDER

This matter is before the Court on the motion of attorney Mark M. Silvermintz to withdraw as counsel for defendant Holtzman Properties, L.L.C. in this case.¹ In the motion, Mr. Silvermintz states that defendant wishes to have new counsel in the case as a result of “significant differences of opinion between counsel and [defendant] as to the direction of the case and the best way to protect the interests of [defendant].” Mot. at 1. Mr. Silvermintz also seeks, on behalf of proposed incoming counsel, additional time to respond to pending motions and to file dispositive motions.

The Court generally does not permit counsel to withdraw until substitute counsel has entered an appearance on behalf of a defendant, and will not do so in this matter. If the Court were to grant the motion to withdraw, defendant would be a pro se litigant in this Court. The law does not permit a corporation to proceed pro se. See Ackra Direct Mktg. Corp. v. Fingerhut Corp., 86 F.3d 852, 856-57 (8th Cir. 1996).

¹The motion to withdraw also purports to be filed on behalf of William S. Daniel, “co-counsel” for defendant, but Mr. Daniel has never entered his appearance in this case and is not counsel of record.

The Court will not consider the issue of any additional time for defendant to respond to pending motions or to file dispositive motions until substitute counsel has entered an appearance and sought such an extension.

Accordingly,

IT IS HEREBY ORDERED that the Motion for Leave to Withdraw filed by Mr. Silvermintz as attorney for defendant Holtzman Properties, L.L.C. is **DENIED** without prejudice. [Doc. 87]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 26th day of June, 2009.